

QUID NOVI

Journal des étudiant-e-s
en droit de l'université McGill

McGill Law's
Weekly Student Newspaper

Volume 35, n° 9
26 novembre 2013 | November 26th 2013

QUID NOVI

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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publié qu'à la
discretion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



PIETRO
MASTROMATTEO

THANK YOU

My Partner and I decided to finally have my niece over for a seafood dinner this past Friday: my niece's favourite. What can I say; I make a mean mussel marinara. I would be more than happy to share the recipe, but that's beside the point. The point is that my niece is already 11 years old and in the sixth grade, and already, all of a sudden, in just a few months' time, she will be in junior high school. POOF!

Perhaps because of the small difference in age between us, only fourteen years, I am always at once both big brother and uncle to her, and have occupied, if you will, a privileged position in her life, as a result. I taught her how to make the perfect spitball, and that if she waits for grandpa's snoring to start, he won't feel a thing, even if he's hit right between the eyes, so long as it's not during an apneic pause. But also, I've had to explain to her, in the context of a loved one's funeral, why we're all going to die, eventually--this to the best of my ability.

When I read last week's issue of the Quid, cover to cover, and in one sitting, I thought of her immediately. In so many words, I worry whether the dynamics of sexual assault are already at play in her daily life. Are the narratives of her experience already gendered, and already to her disadvantage? Am I listening? What has she come to believe is possible or not possible for her to achieve in the future, as a woman? Who will educate her toward autonomy, self-fulfillment and work of a serious importance to society?

A lesson learned last week--and there were many--is that the Faculty of Law is not lacking in positive female role models to her, or any 11 year old, girl and boy, to tell the truth. And so my partner suggested we keep the Quid out on the coffee table in hope that it might catch her eye, and it did, over dessert, and of course, between the second and third periods of the hockey game, thereby opening that night, between the three of us, some of the most precious and important lines of communication.

For that, I want to thank every contributor, student or otherwise, and every member of the Quid team, the reviewers, staff writers, layout editors, and last but not least, Jérémie and Fortunat, all of whom worked hard and fast to make it possible. And I want to do so, that is, say thank you, not as an editor-in-chief, but really, and more sincerely, as an uncle, or more accurately, a *zio*.

Thank you,

Pietro

P.S GOOD LUCK ON YOUR EXAMS. This is the term's final Quid. We will be back on January 14, 2014. Until then, much love.

N.B. The Quid accidentally omitted to include Warwick Walton as contributor to the composite letter published in last week's issue called "On Rape and Jocularity: A Composite". Sorry, Warwick. It won't happen again, so please keep submitting!

WHO DECIDES WHAT'S FIT TO PRINT?

Like many members of our community, I read the *Quid Novi*'s special issue on consent (vol. 35, no. 8, 19 November 2013) cover to cover. In their editorial, the editors offered profuse apologies for printing the "joke" in the Overheards section and listed their remedial measures. These steps included suspending that section pending a review of editorial policy to prevent a recurrence. The following pages presented a rich range of responses ranging from disturbing, deeply personal accounts of sexual assault to reflections on how to dismantle what many identified as an abiding "rape culture."

Given the framing of the special issue, discussion focused understandably on the content of the "joke" and experiences around consent to sexual contact. The articles, by women and men, included accounts of having had one's sexual autonomy violated as well as of having violated someone else's. Discussion did not bear on the thorny issues that the editors will have to consider as they revisit their editorial policy. Without in any way—let me be plain—endorsing the substance or attitude of the "joke," I want to set out a few potentially relevant questions and comments.

Reading the last two issues of the *Quid* together, you could tell at least two stories. One would be a story of failure. The student editors of the *Quid*, who on this account vouch at least minimally for all content printed, ought to have exerted a heavier hand at censorship. While it is positive that the editors apologized and that so many people wrote in response, a wrong that cannot fully be undone was nevertheless committed. The editors ought to have suppressed the "joke" submitted and seen out the term without controversy.

Another would be a success story. It would take the recent issues as proof that a relatively free press and a community of engaged, intelligent readers, acting individually and collectively, have tools for challenging objectionable comments—even ones that some experience as perpetrating violence—as well as the systemic conditions that nourish them.

On my reading, many contributions to the special issue, without advert to issues of censorship and freedom of expression, inclined towards the first story. They objected to the "joke's" publication on account of its content and its perceived effect in the environment of the law faculty. Certainly the editors did so. The evidence lies in their "unreserved and unqualified apologies," beyond having made ample space for responses. As I'll try to explain, I lean more towards the second story. I generally favour free expression and am wary of censorship. I like to think that this would be my view, on liberal principles, even if, behind a Rawlsian veil, I didn't know the personal characteristics I would bear in society. But in honesty, it's hard for me to isolate my anti-censorship stance from my awareness, as a gay man,

that empowering people in authority to decide what a community is permitted to publish, distribute, read, and view has often worked out badly for sexual and gender minorities (see e.g. *Little Sisters Book and Art Emporium v Canada (Minister of Justice)*, 2000 SCC 69, [2000] 2 SCR 1120). Even accepting that speech may in some circumstances perpetuate gender inequality, delimiting the speech that does so from that which doesn't in a given context is a difficult, costly, subjective, and controversial enterprise.

What qualities are reasonably expected of the students who toil as the *Quid*'s unpaid editors in chief? Prudent and honest stewardship of the budget is presumably one. Capacities to manage a cohort of peer volunteers and to produce a decently edited issue, on time, week after week are others. It's not plain to me, though, that we can expect of them the wisdom to judge, on behalf of the entire community, the appropriateness of content submitted.

It would be a shame if the recent experience led to a major clampdown in terms of censorship. In this case, there is obviously a widely held view that the "joke" was offensive. Indeed, repeated references to a rape culture connect such speech to the perpetration of violence. But other cases will be considerably less clear and I worry about the resulting chill. I'd be leery about robust review of the content of *Quid* submissions. Still, a commitment to freer speech and less censorship doesn't mean that anything goes. A key element of the package is speakers' responsibility for what they say. It is here that the anonymous character of Overheards, rather than the content, enters the picture.

A plausible way forward—and recall the editors' undertaking to review their policy—would be to end the practice of printing unattributed contributions to Overheards. Already there was an asymmetry, with professors' comments normally attributed to them and students' comments designated only by year. The editors would have to judge the administrative burden of obtaining the consent of those quoted. Perhaps the policy could require individuals submitting a remark by someone else to copy the speaker.

Carrying out such a policy would be a relatively formal and simple matter. It would not task volunteer student editors with judging what is funny and unfunny, appropriate and inappropriate, disturbing or comforting. My hunch is that the speaker of the "joke" wouldn't have consented to its attributed publication.

Have I misread the tenor and thrust of responses in the special issue? It's possible that I approach the questions in the light of ferocious controversy in past years about the publication of signed contributions deemed to be offensive. In any event, I hope that these remarks help the editors and readers to clarify their expectations concerning how we speak to one another and who should monitor it.

A READ THAT GIVES YOU A GOOD REASON TO PROCRASTINATE

INTERNAL ACTIVITIES AND RELATIONS

- **ORIENTATION:** We had a record participation at Orientation! VP-Internal Frank Arseneault and Marie Rondeau (vp-internal.lsa@mail.mcgill.ca) have put a lot of effort into making sure that first years were well oriented at the Faculty. If you have any comments on Orientation, please contact them! Also, bear in mind that moving forward, the GLSA and LSA will pair up in order to offer a wider variety of activities to incoming students.
- **ACTIVITIES:** Malpractice Cup, coffeehouses, apple picking and other great activities have had an amazing turn-out as well! Thank you all for participating to the LSA's activities! If you have any questions, comments or ideas for new events, feel free to contact your VPs Internal. Feedback is always much appreciated and helps us improve future events.
- **CAFETERIA:** The VPs Internal and I have been in close contact with the cafeteria services. McGill is receiving applications by companies in the food industry in order to determine the group that will have the mandate to provide food and dining services to students during the next four years. Do you have any thoughts on this? Please let us know!
- **ALLOCATION OF FUNDS:** The Clubs, Journal and Dean's discretionary funds were allocated early in October. Cette année, pour les décisions budgétaires concernant les clubs, nous avons créé un comité informel formé de la VP Clubs Alexandra Freedman (vp-clubs.lsa@mail.mcgill.ca), le VP-Finance et de moi-même, chargé de distribuer les fonds afin de réduire l'aspect discrétionnaire des attributions. Des lignes directrices plus précises ont ainsi été établies.
- **RENCONTRES AVEC NOS CONSTITUANTS:** Nous avons également pris la peine de contacter tous les groupes qui ont manifesté leurs opinions directement à l'AÉD ou à travers le Quid Novi afin de voir comment nous pourrions améliorer les services rendus aux étudiants. Encore une fois, je vous invite à nous écrire si vous aimeriez nous rencontrer afin de faire avancer vos projets. Il s'agit bien souvent du moyen le plus efficace de trouver une solution et au risque de me répéter, l'AÉD ne peut s'améliorer que si vous lui fournissez des commentaires constructifs!
- **APPROBATION DU BUDGET:** Le VP-Finance a d'autant plus respecté les nouvelles règles constitutionnelles mises en place l'an dernier afin de permettre que vous puissiez comprendre davantage les décisions budgétaires de l'AÉD. Pendant trois semaines, celui-ci a tenu des séances d'informations et des heures de bureau prolongées afin de permettre cet échange. Le

Comme la fin de la session approche à grands pas, l'Exécutif de l'Association des étudiants en droit souhaite vous donner un aperçu du travail qui a été accompli depuis le début des cours en septembre dernier. Vous trouverez également un schéma expliquant le fonctionnement de la Faculté, ainsi qu'une liste des membres des différents comités. J'espère que ces documents vous serviront afin de mieux comprendre les champs d'action de l'AÉD!

EXTERNAL RELATIONS

- **CADED:** L'AÉD travaille actuellement de pair avec la CADED (un regroupement formé des associations étudiantes en droit civil) afin de mettre sur pied un événement permettant à tous les étudiants de ces facultés de se rassembler. Cet événement, qui aura tant un volet social qu'académique, se tiendra à l'Université de Montréal les 7 et 8 février!
- **SSMU COUNCIL AND SENATE:** The LSA represents your interests at SSMU Council (VP-External John Simpson vp-external.lsa@mail.mcgill.ca) and on the SSMU Senate (Law Senator Guillaume Blais lawsenator@ssmu.mcgill.ca). Many projects and policy decisions are taken there so if you have any questions on what is going on outside the Faculty, please do not hesitate to contact those student representatives!
- **PRESIDENTS' ROUNDTABLE:** I meet presidents from other faculties every month to discuss issues on campus. This year, we will be joining forces in order to enhance student well-being by focusing on mental health issues. If you have anything you want to say on this, please contact me or the LSA Student Well-Being Committee to pass on your ideas as we will all be working together on this over the next semester.
- **GRADUATE LAW STUDENTS' ASSOCIATION:** The LSA has increased collaboration this year with the Graduate Law Students' Association. In order to have a more cohesive student body at the Faculty, the two groups have discussed ways to better work together and to maximise student well-being on both sides. The LSA has supported the GLSA in their annual conference held last May, and has distributed the fees collected by the LSA from graduate students to the GLSA to help them achieve their goals for the year. If you would like more information on this, please contact VP-Finance Gajan Sathanathan at vp-finance.lsa@mail.mcgill.ca.

LSA REPORT (cont'd)

budget a été approuvé vers la mi-octobre tant par l'assemblée générale que par le Conseil de l'AÉD.

- **COMMANDITES:** Il y a d'autant plus lieu de souligner l'excellent travail de Matthew Quadrini (VP Relations Publiques vp-pr.lsa@mail.mcgill.ca) quant à l'obtention de commandites pour l'année. Celles-ci représentent une grande partie du budget du LSA et permettent de soutenir plusieurs de vos activités! Nous espérons également que vous appréciez les opportunités de réseautage qui vous sont offertes tout en profitant de bouchées et de rafraîchissements!

- **COMITÉS FACULTAIRES:** Sur le plan «sérieux», Marc Roy (VP-Académique, vp-academic.lsa@mail.mcgill.ca), avec d'autres étudiant(e)s, vous représente sur une dizaine de comités facultaires. Que ce soit par rapport au curriculum, aux manières d'attribuer les notes, à la réforme du transsystémisme, etc., n'hésitez pas à lui envoyer vos commentaires sur la manière dont le programme est orchestré! Une réforme importante est en ce moment à l'étude par la Faculté!

- **CONSEIL DE LA FACULTÉ ET POLITIQUE LINGUISTIQUE:** Cinq membres du corps étudiant (Julia Blais-Quintal, Vincent-Pierre Fullerton, Rachel Zuroff, Graham MacVannel et Philippe Bernier-Cormier) siègent avec le VP-Académique, la VP-Administration Anne-Sophie Villeneuve (vp-admin.lsa@mail.mcgill.ca) et moi-même sur le Conseil de la Faculté, où nous discutons avec les professeurs des grands enjeux de la Faculté. Saviez-vous que le Comité des langues officielles pousse désormais depuis deux ans pour l'adoption d'une politique linguistique visant une plus grande parité entre le français et l'anglais à la Faculté? Restez à l'affût à ce sujet!

- **LSA COUNCIL:** Faculty Council representatives along with Class Presidents and the Law Senator meet the LSA Executive every two weeks to discuss executive actions taken during the semester as well as to vote on different motions. You are more than welcome to attend those meetings which are held on Monday evenings in room 202. Minutes and motions are posted on the LSA website, which allows you to always be informed on what is discussed. Feel free to reach out to any of your representatives if ever you would like a specific issue to be addressed at Council!

- **WORK WITH COMMITTEES:** The LSA Executives also work with different committees in order to enhance the work that can be done by getting outside student feedback. Calls for applications to these committees were sent out in May and at the beginning of the semester.

UPCOMING IMPORTANT REFORMS / ACTION ITEMS

- **ELECTORAL REFORM:** The LSA will be presenting a full reform on the electoral by-laws as well as referendum rules (as recommended by the Governance Committee last year). Motions will be presented to LSA Council at the beginning of February and a referendum will be held at the end of the month, just in time for LSA elections, which will be held at the end of March.

- **REFERENDUM ON CAPITAL EXPENDITURES (50,000 \$):** The referendum on capital expenditures will be held at the same time as LSA Exec elections in order for the new referendum rules to apply. This is done in order to clearly set out the procedural steps of the endeavour. The LSA Exec specifically commits to creating a forum for discussion on the three projects presented (capital investments, mental health fund and student bursaries). If you would like to help out on the matter, please contact the VP-Administration!

- **AD HOC COMMITTEE ON EXPERIENTIAL LEARNING:** The LSA has also created an ad-hoc committee to study experiential non-course credit at the Faculty. After meeting with the authors of the «Drop the Writ» article published in the Quid, the LSA will commit to working with the committee in order to study ways in which we can advance this position before the Faculty! If you would like to get involved, please apply to sit on the committee! We are hoping to have a full report out by the end of the winter term.

- **MEMORANDUM OF AGREEMENT:** Lastly, we are currently negotiating our Memorandum of Agreement with McGill University. While most things relate to administrative matters (such as when do we need to submit our audits to McGill and other documents), some things might affect new student clubs created at the Faculty of Law with regards to the use of the McGill name by student groups. Even if most of you will not notice a significant impact since the name of your club was already approved by the administration, McGill would still require that your club clearly state that you are a club of the LSA whenever engaging in external relations. We encourage all student clubs to contact us to know whether or not they might be affected by these new rules, which will be effective as of May 2014. The LSA will act as a liaison with the University so that the movement is correctly organised, but please keep us informed so we know how we can help you!

ANNONCE SPÉCIALE SUR L'ESPACE D'ÉTUDE

Vous pourrez utiliser l'atrium comme espace d'étude en groupe, et ce, dès le 4 décembre! Des chaises et des tables seront installées afin de vous permettre de réviser, que ce soit en équipe ou de manière individuelle.

The LSA is also happy to announce that students are allowed to study in empty classes during the regular hours of the Faculty. Veuillez utiliser ces espaces de travail comme des endroits silencieux en remplacement de la bibliothèque (so please, keep the tone down and do no eat in those rooms!)

Pour les prochains jours, les locaux disponibles sont les suivants :

TUE, November 26:

8h-13h in 202, 203;
17h30-22h in 101, 200, 201, 312

WED, November 27:

8h-11h in 200;
8h-12h30 in 203;
17h-22h in 200, 201

THU, November 28:

8h-11h in 202, 203;
8h-16h in 312 ;
13h-22h in 203;
16h30-22h in 202

FRI, November 29:

8h-11h30 in 102;
14h30-22h in 202;
17h-22h in 101, 102, 200, 201

PLEASE NOTE THAT PRIORITY REMAINS TO FACULTY GROUPS WHO BOOK THOSE ROOMS. IF YOU ARE ASKED TO LEAVE FOR THIS REASON, PLEASE COOPERATE!

SPECIAL ANNOUNCEMENT ON THE DISCUSSIONS IN THE QUID

The LSA would like to thank those of you who had the courage to share your experiences in the latest edition of the Quid Novi. We are certain that your confessions are eye-opening to many on a situation that is too often neglected or ignored. Merci également à tous ceux qui ont contribué au débat en exprimant leurs commentaires et impressions sur le «overheard». L'AED trouve qu'il est bien sûr regrettable qu'il ait fallu une blague de très mauvais goût afin de mettre en lumière le drame subi par les victimes d'agressions sexuelles de notre Faculté et que la communauté étudiante prenne position sur la chose. We hope that all students will take the opportunity to reflect on the matter and will commit to making the Faculty of Law a safe and inclusive space for everyone. N'hésitez pas à contacter l'AED si vous aimeriez discuter de manières de procéder afin de permettre à tous les étudiants de devenir des agents de changement éclairés sur le sujet.

CONCLUDING REMARKS

Je crois avoir fait le tour de la plupart des projets les plus importants qui ont été entamés cette session ainsi qu'à propos des initiatives à venir. Of course, this article serves as a big overview and please be assured that much more «nitty gritty» work has been done by the LSA Executive. Entre autre, nous avons pris position de manière claire ou avons posé des gestes plus subtils sur différents sujets en vue de faire en sorte que la faculté demeure un espace bienveillant et à l'écoute de ce qui tient les étudiants à cœur.

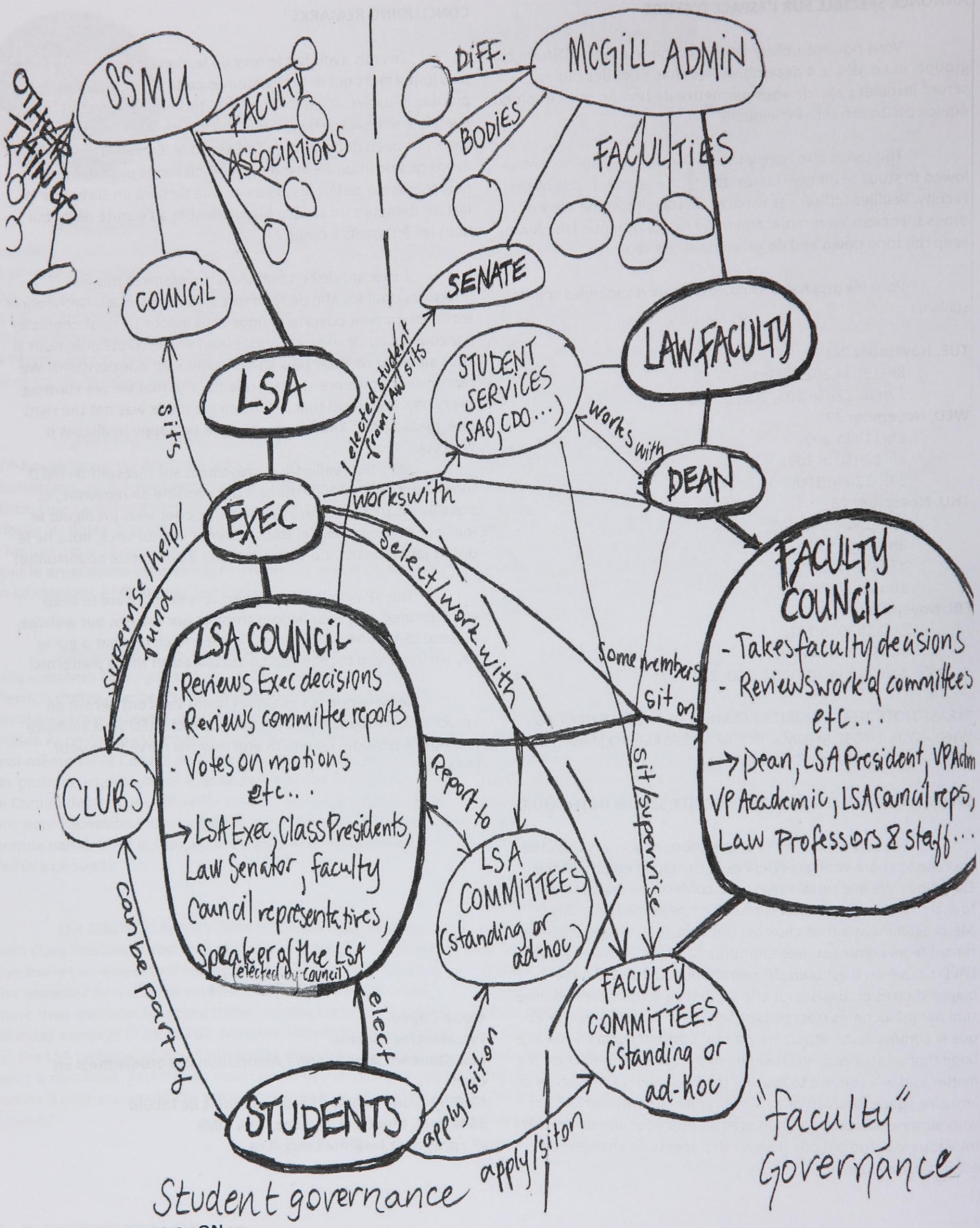
L'Exécutif de cette année a sincèrement mis les bouchées doubles afin de répondre à vos demandes. Notre porte est constamment ouverte et nous vous invitons à nous contacter par courriel ou de fixer un rendez-vous en personne avec nous si vous aimeriez recevoir plus d'information sur nos décisions. We recognise that we are «just» students, and that we are learning every day. If you feel that a decision we made was not the right one, please let us know and we would be happy to discuss it with you.

No... but really. Un représentant sur l'exécutif de l'AED répond entre 30 et 100 courriels par semaine en moyenne, et travaille de 10 à 15 heures par semaine pour vous prodiguer le meilleur service possible! Nous sommes là pour vous, nous ne le dirons jamais assez, alors n'hésitez pas à saisir cette opportunité!

The VP-Administration also strives very hard to keep you informed on all our actions through our listserv, our website, and our LSA mobile application! To keep track of what is going on, we invite you to read what is circulated on those platforms!

J'espère que ces quelques lignes vous ont permis de «procrastiner» d'une manière constructive! L'AED vous souhaite une bonne période d'exams and may the curve be in your favour!

Eloïse Gagné
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SUZANNE
ZACCOUR

consentement.

À la lecture des témoignages, j'ai frissonné. Chacune des femmes ayant témoigné a mentionné la difficulté de briser le silence. Ainsi, il faut comprendre que, pour 18 femmes ayant témoigné d'une expérience d'absence de consentement, des dizaines d'autres se sont tuées. Des dizaines de femmes, que je croise tous les jours au NCDH ou à la bibliothèque, ont été agressées sexuellement. Dans la classe où j'irai m'asseoir dans quelques minutes, plusieurs camarades apporteront avec elles un passé qui témoigne de l'emprise du patriarcat et de la violence des hommes.

Dans cette même classe où j'irai m'asseoir, combien de camarades masculins apporteront un passé où se terre un viol? Les centres de femmes ont essayé en vain de déterminer le profil du violeur type. Il n'y a pas de violeur type. C'est autant le riche que le pauvre, le populaire que le solitaire, le marié que le célibataire, le jeune que le vieux, l'étudiant en droit que celui en

J'ai lu d'un bout à l'autre l'édition du *Quid Novi* de la semaine passée. Je salue l'incroyable mobilisation des femmes de la faculté qui, en quelques jours, ont été nombreuses à répondre à l'appel de textes sur le thème du

génie. Si les statistiques me permettent de supposer que quatre ou cinq des femmes assises dans ma classe ont déjà été violées, elles me forcent aussi à admettre que quatre ou cinq de mes collègues masculins se sont reconnus dans le rôle du violeur en lisant le *Quid* la semaine passée.

Frisson.

Où sont les hommes? Où sont les violeurs? Certainement pas en prison. Ils se baladent gaiement dans les couloirs de la faculté.

Ils sont à ma droite en cours de droit constitutionnel, dans mon équipe de travail en droit des contrats, sur la chaise à côté de la mienne dans l'Atrium. Certains d'entre eux me sont sympathiques. Ils viendront faire un tour chez moi lors d'une soirée entre ami-e-s. Ils partageront avec moi une bière au prochain Coffee House. L'un d'eux m'enseigne le droit deux fois par semaine.

Ils sont partout.

Je ne suis ni paranoïaque ni hystérique. Je suis lucide. Ce message s'adresse aux hommes. Ils en feront ce que bon leur semble. J'espère que vous serez choqués. Je le suis davantage. Je n'ai pas de joli mot pour conclure ce mot déstructuré. Aucun joli mot ne cachera la laideur de ce que je dénonce.

FEMINIST COLLECTIVE MEETS WITH MCGILL'S DEPUTY PROVOST OF STUDENT LIFE AND LEARNING

FEMINIST
COLLECTIVE

On November 19, two representatives of the Feminist Collective of McGill Law and two representatives of the Sexual Assault Centre of the McGill Students' Society (SACOMSS) met with McGill's Deputy Provost of Student Life and Learning (DPSLL), Ollivier Dyens, McGill's Dean of Students, André Costopoulos, and the Director of the DPSLL's Office, Robyn Wiltshire.

Le professeur Dyens nous a invité à cette réunion après avoir lu notre critique de la réponse publique de McGill aux allégations d'agression sexuelle et de confinement forcé envers trois étudiants de McGill. Cette critique a été publiée dans le *Quid Novi*, semaine du 11 novembre 2013, et elle a été envoyé directement par courriel au professeur Dyens.

We were relieved to learn at the meeting of Professor Dyens' intention to release a new statement. As we stated in our open letter, there is great power in the public stance that McGill's administration takes. A statement must, of course, be backed by action, but it nonetheless has an important impact on the entire McGill community.

Le Bureau du DPSLL et le Doyen des étudiants se sont montrés ouverts à la discussion sur ces enjeux importants. Ils ont également accueilli avec diligence la critique que nous avons formulée. De plus, il nous a dit à plusieurs reprises que la nouvelle déclaration tenterait de répondre à toutes les questions que nous avons posées dans notre lettre.

L'Université McGill a le devoir de promouvoir la non-violence et le respect, au sein de sa communauté, ainsi que d'insister sur l'importance du consentement, lorsque celle-ci tend à être minimisée. Nous avons donc exprimé, lors de la rencontre, notre espoir de voir McGill intensifier ses efforts de prévention, de sensibilisation et de réprobation de tous types d'agressions sexuelles, qui ne devraient jamais être banalisées. Nous souhaitons également que l'établissement reconnaise que les problèmes liés à banalisation de la violence sexuelle se fondent en partie sur une inégalité qui persiste entre les sexes. We want McGill's approach to steer well away from victim-blaming and place the emphasis on meaningful consent.

We look forward to further collaborating with - and challenging - the McGill administration in this essential work.

HUMOUR, VIOLENCE AND DOMINATION

AURÉLIE
LANCTÔT

Concernant la commotion suscitée par la publication de cette mauvaise farce sur le consentement sexuel, dans la section overheard at the faculty, il y a deux semaines. La réaction de la communauté étudiante et du corps professoral fut somme toute assez remarquable. La bourde fut corrigée par le Quid, avec son édition thématique dédiée au consentement. Des témoignages poignants ont été relayés. Les professeurs en ont parlé. Certains nous ont rappelé le poids des mots et la responsabilité qui nous incombe, en tant que futurs juristes, de ne jamais les prendre à la légère. D'autres auront souligné le caractère éminemment genré et patriarcal de la notion même de consentement, en droit.

Pour un bref instant, donc, la Faculté revêtait la semaine dernière ce que je me plais à appeler ses "lunettes générées". Celles dont les lentilles révèlent le sexism qu'on ne voit et dont on ne parle que trop peu. Le plus ordinaire et discret; celui qui ordonne des rapports de domination ancrés profondément à même notre conception du genre. Celui qui passe, plus souvent qu'autrement, sous le couvert de la "normalité". Aussi, l'humour, soudainement, devenait l'objet d'une suspicion qu'on ne lui attribue pas d'ordinaire. À tort, d'ailleurs, si vous voulez mon humble avis.

Cette histoire aura manifestement suscité un inconfort. Le genre d'inconfort qui survient lorsqu'on lève brusquement le voile de la prétendue normalité, et qu'on entrevoit sous celui-ci des engrenages tous pourris. En effet, cette manie populaire de plaisanter avec le consentement sexuel témoigne d'une violence "socialement acceptable" par laquelle on maintient les femmes dans un état d'infériorité perpétuel. Ignoble procédé, je ne vous le fais pas dire.

En riant de la violence sexuelle faite aux femmes, on contraint ces dernières à adopter une posture à peine humaine; dans laquelle elles sont perpétuellement sujettes au rejet et à l'humiliation. En se moquant du viol, du consentement (ou de l'absence de consentement), nous affirmons implicitement que la femme ne peut aspirer à la pleine sécurité dans son environnement, celui-ci se présentant plutôt comme fondamentalement hostile, risqué et aveugle à ses souffrances. La facilité avec laquelle on tend à badiner avec le consentement sexuel révèle que ce dernier n'est au fond perçu que comme étant accessoire, circonstanciel, malléable, risible... Or, cela contribue nécessairement à précariser la femme dans son rapport même à la communauté.

La femme, comprend-t-on, n'aurait sa « place » en société que dans un terrain trouble, au sein duquel elle doit constamment craindre pour son intégrité physique.

Par ailleurs, les « blagues de viol » provoquent un schisme radical entre l'expérience du réel de certaines femmes, à travers la violence qu'elles subissent, et le récit qui est fait de cette expérience dans la culture populaire. Or, cet écart, créé à force d'indolence, contribue indéniablement à priver les femmes de leur condition "citoyenne", au même titre que les hommes. En riant de la violence sexuelle et en banalisant les agressions, nous reléguons les femmes victimes de violence dans les "marges" de la communauté. Dans une zone d'ombre où leurs souffrances n'existent pas; où elles mêmes n'existent pas. D'un côté, il y a le rire. De l'autre, le silence. La contrition indue. La honte. La sanction de la violence subie, apparemment, serait l'exclusion. "Peu importe que je souffre: ils se moqueront", laisse-t-on entendre.

Quant au « reste des femmes », celles qui échappent à l'agression, bien que leur intégrité physique soit momentanément préservée, elles n'en demeurent pas moins reléguées à un certain « état de survie ». Sous le joug d'une menace perpétuelle de voir leur potentielle agression sanctionnée par la moquerie et la dérision, plus que par l'indignation et la compassion.

Comment espérer, alors, que les femmes s'insèrent avec la même confiance que les hommes dans leur environnement social? Comment espérer, dans pareilles circonstances, que les femmes appréhendent en toute quiétude leur rapport à la communauté?

Cette « peur» qu'on impose aux femmes, ainsi que ce mépris pour leur parole, ne permettent-ils pas, en somme, de nier une part de leur dignité humaine; afin de mieux perpétuer leur subordination au sexe dominant?

Je dois admettre que j'aurais peur d'essayer de répondre à ces questions.

Dot, or no dot (while citing codes), that is the question.

According to the questions that we received at the reference desk recently, there seems to be quite a bit of confusion over whether a period (full stop/ dot) should be used at the end of the footnote when you are referring to a codal provision, or not. I contacted the editor of the Cite Guide, Alexander Max Jarvie, who kindly provided this clarification that I am sharing with you:

"The period that appears at the end of examples provided elsewhere in the Legislation section is intended as an indication of the terminal period for the entire citation. Although we have removed most periods from citation forms in the 7th edition, a citation footnote is still a sentence and as such punctuation is used in normal fashion. Hence, if the citation to a codal article is the last (or the only) source to be referenced within a particular footnote, a period would follow. To illustrate these rules in practice, I have provided examples below:

² Art 1214 CCQ.

⁴ Canada Act 1982 (UK), 1982, c 11.

³⁵ See Canada Act 1982 (UK), 1982, c 11; see also art 1214 CCQ."

Survival Guide to Cite Guide :

Over the last two weeks (as usual at this time of year), there were a number of students looking for our help on how to cite the sources for their first memo. For their benefit, I decided to reiterate my last year's not-totally-unsolicited advice on the matter:

1. Ask a librarian for a help. We will not do or check your footnotes, but we will walk you through the maze of the Red Book (no offence meant) to make sure that the next time you have these questions, you will be comfortable using it by yourself. Do not be shy to come several times if you need more help, and please, please do not come 5 minutes before your paper is due – in this case, we can only commiserate with you.

2. When your TL gives you a piece of paper, a pdf, or a photocopy of something, ask what kind of document it is, and where they found it (book, website, encyclopaedia, etc.). You will save some precious minutes (or hours) later when you are pressed for time and have to finish your work by a deadline. It is quite unpleasant to discover suddenly that the TL's piece of paper is a book chapter, and you haven't the slightest idea about the book's title and/ or author.

3. Do not wait until the last minute to make your footnotes. If you 'cite while you write', you will have your paper AND your footnotes ready -- except for the final proofing -- when you finish writing the last paragraph. If you leave all your footnotes to be done after you finish the paper, you will end up frantically trying to figure out where this or that quotation is coming from, or what all the *supra(s)* and *idem(s)* mean. Everybody works differently, but try at least once...

4. Add some common sense and reasoning to the Red Book. Do not expect it to contain a correct form of footnote for every possible source. The Red Book will not necessarily have an answer to your particular question. When you have something to cite, think about what rule fits the best the type of source that you have in hand. Read carefully the section to apply the rule, do not scan and skim the text.

5. In short, to cite a source, proceed as follows:

- READ the General Rules section
- Determine what you have to cite
- Find chapter corresponding to source type
- Find the section corresponding to the particular source
- READ the section
- Apply the rule to cite the source
- Repeat as needed :)

Rare Books Room Tour

Treat yourself during your Christmas break and see some our treasures kept in the glass-enclosed Rare Books Room on the second floor of the Law Library. You can sign up for a half-an-hour (or longer) tour of the Law Rare Books by sending a request to me, Svetlana Kochkina, svetlana.kochkina@mcgill.ca.

REMINDER: Law Library in social media

If you want to know more about the Law library and its surroundings (e.g. new books, ginkgo biloba trees, etc.), check Nahum Gelber Law Library's blog and like our Facebook page: <http://www.facebook.com/NahumGelberLaw.Library> <http://blogs.library.mcgill.ca/lawlibrary/>

Concept est inspiré de:
<http://www.lesnouvellesnews.fr/>

Les nouvelles sont souvent les mêmes, et celles qui concernent les femmes passent souvent sous le radar. Voici quelques informations que vous avez peut-être manquées ce mois-ci et qui pourront vous intéresser. If we receive positive feedback – and if the Quid allows it –, we would like to send the « women's news of the week » to the Quid for every edition during next semester!

1) Sweden and the Bechdel Test

Sweden has introduced a gender-balanced movie rating system. To get an "A" rating, the movie must pass the Bechdel test: two named female characters must talk to each other about something other than a man. Ce test permet de mettre en lumière la sous-représentation du genre féminin (qui représente, rappelons-le, plus de 50% de la population) et le phénomène de la Schtroumpfette (un seul personnage féminin).

Some movies that fail the Bechdel test are: the Lord of the Rings trilogy, all but one Harry Potter movies, the Social Network, Shrek, Slumdog Millionaire, Transformers, Bruno, Pirates of the Caribbean, Up, Toy Story. Some movies that pass the test are: The Hunger Games, Winter's Bone...

Sweden's initiative:

<http://arts.nationalpost.com/2013/11/06/swedish-cinemas-challenge-hollywoods-gender-bias-by-introducing-feminist-movie-rating/>

The Bechdel test:

<http://www.youtube.com/watch?v=bLF6sAAMb4s>

The Oscars and The Bechdel Test (!!!):

<http://www.youtube.com/watch?v=PH8JuizIXw8>

2) Publicité féministe?

Celle-là, vous l'avez probablement vue, elle a circulé pas mal sur les réseaux sociaux. Une publicité pour jouets encourageant les petites filles à faire autre chose que de jouer à la poupée montre trois fillettes apprenant à devenir de futures ingénieries.

<http://www.upworthy.com/if-3-little-girls-did-this-to-my-house-id-do-everything-i-could-to-get-them-full-rides-to-stanford?c=ufb2>

3) Talking about consent

India's top police official says: 'if you can't prevent rape, you enjoy it'. He has since then apologized.

4) Professionnels de la santé mal (in)formés

Un sondage français révèle que les étudiant-e-s en médecine sont peu ou pas formés sur les violences physiques, sexuelles, verbales et psychologiques.

<http://www.lesnouvellesnews.fr/index.php/civilisation-articles-section/3262-violences-professionnels-de-sante-manquent-formation>

5) Votre futur manuel de référence

Une journaliste italienne, Constanza Miriano, publie le livre « Marie-toi et sois soumise » (« Cásate y sé sumisa »), qui fait réagir l'opposition socialiste espagnole et un bon nombre d'utilisateurs et d'utilisatrices des médias sociaux. Selon l'éditeur, il est temps pour les femmes d'apprendre « l'obéissance loyale et généreuse ».

<http://www.lesnouvellesnews.fr/index.php/revue-de-presse/54-lu-sur-la-toile/3254-manuel-de-soumission-pour-les-femmes-choque-espagne>

6) Journée internationale pour l'élimination de la violence faite aux femmes

C'est le 25 novembre que ça se passe : hier, donc. La date a été choisie en mémoire des trois sœurs Mirabal. Ces militantes dominicaines ont été assassinées par ordre du chef d'État Rafael Trujillo. En écrivant ces lignes, je me demande si Google aura souligné l'événement avec une de ses applications qu'on aime tant!

L'Assemblée générale des Nations Unies a invité les gouvernements et les organismes à organiser des activités de sensibilisation. Reste à voir si ces activités auront même le dixième de l'attention publique du jour du souvenir...

<http://www.un.org/fr/events/endviolenceday/>

HOW TO SUCCEED ON YOUR EXAMS

Many new students don't know how to write their exams effectively. Coming to the end my fourth year, I have much sage advice to offer on this subject. Accordingly, by way of illustrating good exam-writing technique, I have taken the liberty of preparing a few sample questions on diverse subjects and sketching an answer of the sort that the professor will desire. As a bonus, for the reference of those few who are concerned about more than just good grades, I have appended an answer that, though distinctly undesirable on an exam, has the virtue (if such it be) of being correct. I hope that these humble suggestions will prove beneficial.

ADVANCED CIVIL-LAW OBLIGATIONS

Andy refuses to pay Betty the \$1000 that he owes her under contract. Charlie has told Betty that Doug and Edna each owe Andy \$500 but that Andy, despite being broke, is going to let them keep the money. What should Betty do? *The desired answer* will observe that Betty may sue Andy and bring an oblique action against Doug and Edna. (Make liberal use of the word *patrimonial*.)

The correct answer: Betty, youse is screwed. Ain't no point in suing that swindler. Don't waste your time and money chasing up a measly grand. And don't even think about no jive-ass oblique action. Even if you won (and you'd wind up bringing half a dozen actions in all), you'd be out far more than what Andy owes you—and you can bet that that turkey's other creditors would soak up every penny that you got out of Doug's and Edna's tails. Besides, for all you know, that gossip Charlie may be lying (which wouldn't surprise me). You want your bread? Get a couple of burly guys in ski masks to go over to Andy's place with a crowbar. Call the number on the back of this exam booklet and tell 'em that Scott sent you.

DROIT DU TRAVAIL

Ayant obtenu un contrat grassement rémunéré pour le réaménagement des aqueducs à Montréal, Constructions Tremblay & fils inc. souhaite augmenter son effectif. Mme Gagnon postule un poste en construction. Elle envoie plusieurs demandes, toujours sans réponse. Enfin elle exige une réponse dans un délai de quinze jours, faute de quoi elle poursuivra l'entreprise en discrimination fondée sur le sexe.

Votre client M. Tremblay père vous appelle à ce sujet. «Coudonc, j'veux pô de 'tites demoiselles su'l'chantier, moé. Ch'peux-tu refuser de l'embaucher» Conseillez votre client.

La réponse souhaitée : Vous devez considérer dûment la candidature de Mme Gagnon. La discrimination basée sur le sexe est illégale. Il serait inacceptable que vous contreviendriez aux articles 10, 16 et 18.1 de la Charte québécoise en exerçant de la discrimination à l'endroit de Mme Gagnon ; vous vous exposeriez à des dommages-intérêts importants. (Invoquez souvent le mot intersectionnalité.)

La bonne réponse : Vas-y donc ! Ben oui, c'est illégal. Mais toé c'est un gars d'affaires ben nanti, et elle, là, elle n'est qu'une p'tite 'stie de deux d'pique. Écris un avis de refus précisant que « bien que votre candidature soit des plus intéressantes, nous ne pouvons retenir votre demande ». Elle ne pourra rien prouver partout. Ou bien à la rigueur ça ira en médiation et tu lui paieras enfin un petit mille piasses, quoi. Ça, là, c'est rien du tout par rapport au tas de fric que t'as escroqué au gouvernement ! Mais attention, y s'peut qu'elle te règle ça à l'aide d'un gros pied-de-biche, là.

COMMON-LAW PROPERTY

Florence is surprised to see her neighbour George using her lawn mower. She demands its return, but he denies that it is hers; he says that he bought it from Henry, the local pawnbroker. Henry claims to have bought it from Iris, who says that she found it out on the kerb next to the garbage cans. Florence thinks that Iris simply stole the lawn mower. What, if anything, can Florence do to recover it?

The desired answer: You must carefully discuss the property interests in question and determine whether or not Florence had abandoned the lawn mower and whether or not the sale by Henry extinguished Florence's rights. You must clearly identify the owner. If you decide that Florence owns the lawn mower, you must explain her legal rights and discuss remedies at both law and equity, including the consequences of any applicable statute of limitations. (Make liberal use of the term Pareto optimality.)

The correct answer: Look, Flo, surely you ain't gonna sue George over that damn lawn mower. Go over there with a crowbar and take the thing back. While you're at it, help yourself to his socket wrenches.

THE IMPORTANCE OF CONSENT

Trigger warning: The following text contains explicit descriptions of sexual violence / Avertissement: Le texte ci-dessous contient des descriptions d'agressions sexuelles.

When I read last week's quid, I realized how much in denial I was. 5 times. By 4 different guys. In the past 3 years. The story where the woman was able to cut ties with the three men who assaulted her was an inspiration, and I decided to take action. If I want the situation to change, it starts with me. I am strong and confident. I shouldn't be afraid of speaking up. So after having thought about how to do it for three hours, here's what I wrote to my "friend", hands shaking and heart beating. I couldn't do anything for the next hour and a half, my hands were shaking too much. Now that I reread it 24h hours after, I'm kind of sad that I was so politically correct. The fact that I started with the word sorry says it all I think. I felt like I was intruding his life and that I had to justify myself. But that's the furthest I had the strength to go. I do hope other women will find the courage to speak in whichever way it makes them feel better.

Sent by Facebook inbox, 10:30 am Wednesday Nov 20th

Hey [you],

Sorry if this all seems a bit weird and out of nowhere to you, but considering the frequency at which we talk or see each other, I felt like it was the best way to go.

To put you in context, we have a weekly publication at the faculty where we quote profs and students on funny things they say. Last week, this was published: *"I cannot commit rape. That would require lack of consent. I'm so attractive that there is actually a prima facie presumption of consent!"*

While I admit that I kinda laughed the first time I read it, some people really didn't think it was funny. So the next edition of this weekly publication was entirely devoted to the notion of consent and sexual assault. Reading it brought back in my mind the memories of the night of Sept 26th, after the [...] game and BDP drinking, memories that I've been trying to hide and deny as deeply as possible.

It would mean a lot to me if you could skim through the publication and, if you want, let me know what you think. I think this could kickstart a valuable discussion that we should have, considering that we will see each other again and that I have no intention to cut indefinitely all ties with you. I'm leaving it up to you to decide if we take the time to talk or if we leave it to this message. It can be soon or way later, I don't mind. I only hope you'll take the time to think about it.

[Me]



Chez nous, vous
vous démarquerez

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